

#10 RECEIVED  
JAN 12 2004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:  
McCoy, et al

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§  
§  
§  
§  
§

OFFICE OF PETITIONS

SERIAL NO. 09/832,303

EXAMINER: Colila, D.

FILED: 11/20/2000

GROUP ART UNIT: 2854

TITLE: IMPROVED METHOD FOR CUSTOM IMPRINTING PLASTIC...

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petition to Revive Abandoned Application  
Under the Provisions of 37 C.F.R. 1.137(b)

Adjustment date: 01/28/2004 AKELLEY  
11/13/2003 LSPRUELL 00000227 500894 09832303  
01 FC:2253 475.00 CR Dear Sir:

Applicant respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137 on the ground that any delay in responding to the cited office action was unintentional. This petition is supported by the declaration of the Attorney incorporated herein.

An office action issued on 2 May 2003. A response to the office action was prepared, and believed mailed, on 31 October 2003, with a request for a three month extension under 37 C.F.R. 1.136. Examiner called at some subsequent time, indicating (to the best of my recollection) that the earlier response had not yet been received, but that we could fax a copy (which we did).

Recently, a Notice of Abandonment was brought to my attention, indicating that the only response received was that faxed on 20 November 2003 (after the latest response deadline). Because the 31 October 2003 certificate of mailing in our files is unsigned, the possibility of an unintentional failure to mail appears to exist. This, in turn, on information and belief, may relate to recent staff transitions and acute staff shortages involving new and temporary personnel, during which process several items have "fallen through the cracks", despite valiant efforts to avoid same.

The entire delay in responding to the above-referenced office action (if, in fact, there was a delay) was unintentional.

01/28/2004 AKELLEY 00000227 500894 09832303  
01 FC:1453 1330.00 DA

As stated, a response was prepared and believed mailed on 31 October 2003, so a delay in responding may not actually have occurred. But proof of filing is lacking, and this petition appears to be the appropriate response.

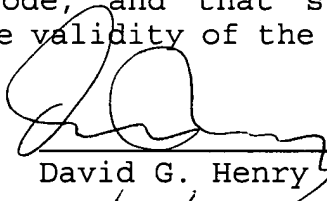
Copies of all submitted responses, together with the subsequently filed Request for Continued Examination are enclosed.

It is submitted, therefore, that on the basis described above the delay and the abandonment should be held to be inadvertent and unintentional. It is respectfully requested that the accompanying response be accepted for further prosecution of the application, and that the holding of abandonment be withdrawn.

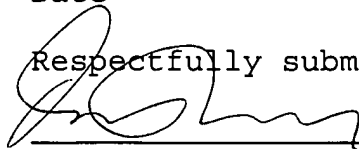
The petition fee in the sum required under 37 C.F.R. § 1.17(m) may be charged to the deposit account of the undersigned, Account No. 50-0894.

DECLARATION

My name is David G. Henry, Reg. No. 32,735. I am the Attorney for U.S. Patent Application No. 10/214,248. I declare that I have read the statements made in this Petition to Revive and the same are, to my personal knowledge, true and correct, or if made on information and belief, are believed true and correct, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
David G. Henry

1/8/04  
\_\_\_\_\_  
Date

Respectfully submitted,  
  
\_\_\_\_\_

David G. Henry, Reg. No. 32,735  
900 Washington Ave.  
P.O. Box 1470  
Waco, Texas 76703-1470  
(254) 755-4100  
(254) 754-6331 (FAX)  
[henry@namanhowell.com](mailto:henry@namanhowell.com)

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>1/29/04</u>		2 Serial/Patent # <u>09/832,303</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input checked="" type="checkbox"/>	Extension of Time	10	11/12/03	\$475.00							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input type="checkbox"/>	Petition			\$							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
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		7 TOTAL AMOUNT OF REFUND		\$475.00							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:								
<input type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td>5</td><td>0</td><td>--</td><td>0</td><td>8</td><td>9</td><td>4</td> </tr> </table>			5	0	--	0	8	9	4
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
Request made outside maximum period for reply.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Kenya McLaughlin</u>			TITLE: <u>Petitions Att.</u>								
SIGNATURE: <u>Kenya McLaughlin</u>			PHONE: <u>305-0010</u>								
OFFICE: <u>Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>Nhank</u>		DATE: <u>1/28/04</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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